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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,357	12/21/2001	Charles Francois Leblanc	MART0780US	8074
24235	7590	12/08/2003	EXAMINER	
LEVINE & MANDELBAUM 444 MADISON AVENUE 35TH FLOOR NEW YORK, NY 10022			HEWITT, JAMES M	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/026,357

Applicant(s)

LEBLANC, CHARLES FRANCOIS

Examiner

James M Hewitt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) 14, 15, 25, 53, 54 and 60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-24, 26-52 and 55-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>7</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Election/Restrictions

Claims 14-15, 25, 53-54 and 60 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 9.

Note that Applicant's indication of claims 2, 4-6, 9-12, 27-29, 39, 47-50 and 57 as also being generic is acknowledged and agreed to by the examiner.

Priority

Receipt is acknowledged of a certified copy of the FR00 16911 application referred to in the oath or declaration or in an application data sheet. If this copy is being filed to obtain the benefits of the foreign filing date under 35 U.S.C. 119(a)-(d), applicant should also file a claim for such priority as required by 35 U.S.C. 119(b). If the application being examined is an original application filed under 35 U.S.C. 111(a) (other than a design application) on or after November 29, 2000, the claim for priority must be presented during the pendency of the application, and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. See 37 CFR 1.55(a)(1)(i). If the application being examined has entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the claim for priority must be made during the pendency of the application and within the time limit set forth in the

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PCT and Regulations of the PCT. See 37 CFR 1.55(a)(1)(ii). Any claim for priority under 35 U.S.C. 119(a)-(d) or (f) or 365(a) or (b) not presented within the time period set forth in 37 CFR 1.55(a)(1) is considered to have been waived. If a claim for foreign priority is presented after the time period set forth in 37 CFR 1.55(a)(1), the claim may be accepted if the claim properly identifies the prior foreign application and is accompanied by a grantable petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55(c).

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The legal phraseology often used in patent claims, such as "means", "consisting of", "comprising" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The disclosure is objected to because of the following informalities:

Applicant is urged to insert the appropriate section headings ("Background of the Invention", "Summary of the Invention", etc.) throughout the specification.

Appropriate correction is required.

The disclosure is objected to because of the following informalities: on page 20 line 22, it is apparent that "setback 18" should be "setback 17".

Appropriate correction is required.

Claim Objections

Claims 1-13, 16-24, 26-52 and 55-59 are objected to because of the following informalities:

In claim 1 line 1, "of the type" should be deleted.

In claim 1 line 6, "consisting in" should be "consisting of".

In claim 2 line 4, "effect" should be deleted.

In claim 3 lines 1-2, "wherein it includes" should be replaced with "further including".

In claim 8 lines 1-2, "wherein it includes" should be replaced with "further including".

In claim 9 lines 1-2, "wherein it includes" should be replaced with "further including".

In claim 21 line 3, "gasketfixed" should be replaced with "gasket fixed".

Claim 26 should be amended to make clear that the female end ring being claimed is the one recited in claim 1. For instance, the preamble of claim 26 should instead read "A pipe according to claim 1, wherein the female end ring further comprises...".

In claim 35 lines 5-6, the phrase "at least one catch" does not seem to fit within or relate to the context of lines 1-5. Should the phrase be inserted in line 4 before "projecting".

In claim 38 lines 1-2, "of the type" should be deleted.

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In claim 38 lines 3-4, "of determined" should be replaced with "having a".

In claim 38 line 7, "consisting in" should be "consisting of".

In claim 39 line 4, "effect" should be deleted.

In claim 40 line 2, "effect" should be replaced with "friction".

In claim 58 line 6, "said catch" should be replaced with "a catch".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 4, 6, 27, 29, 38-52 and 55-59 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4 line 4, the use of "and/or" renders the claim indefinite since it is unclear as to which limitations preceding or following "and/or" is intended to be claimed.

In claim 27 line 3, the use of "and/or" renders the claim indefinite since it is unclear as to which limitations preceding or following "and/or" is intended to be claimed.

In claim 38 the phrase and limitations recited in lines 21-26 are unclear and confusing. Care should be taken to reword or rephrase these lines.

In claim 43 line 4, the use of "and/or" renders the claim indefinite since it is unclear as to which limitations preceding or following "and/or" is intended to be claimed.

In claim 45 line 3, the use of "and/or" renders the claim indefinite since it is unclear as to which limitations preceding or following "and/or" is intended to be claimed.

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In claim 46 lines 4 and 6, the use of "and/or" renders the claim indefinite since it is unclear as to which limitations preceding or following "and/or" is intended to be claimed.

In claim 51 line 4, the use of "and/or" renders the claim indefinite since it is unclear as to which limitations preceding or following "and/or" is intended to be claimed.

In claim 52 lines 2-4, the phrase "while in the fresh state it constitutes a lubricant *associating implementation* of set b)" is awkward and confusing.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13, 16-19, 22-24, and 26-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cronk (US 4,538,837).

Cronk discloses an apparatus comprising: a cylinder (25); an end ring (15) having a ferrule and skirt to engage a male pipe (27), wherein the ferrule is in circumferential elastic tension through the force imparted to the ferrule via gasket (32) resulting from the forces applied to the gasket via a band or clamp (17); the inside face of the ferrule includes a relief portion in the form of ribs (21); the elastic gasket or film (32) is disposed about the outer peripheral face and front end face of the pipe (25); the skirt includes a transverse and longitudinal abutment (20); the neoprene end ring (15) is

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shaped such that it may nest with another end ring by placing the ferrule of one end ring within the skirt of another end ring.

Cronk fails to teach that his pipe is concrete. Nevertheless, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select concrete as the material for Cronk's pipe, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

With respect to claims 5 and 28, Cronk fails to teach that the pipe and skirt are tapered or flared. In view of the known use of employing a tapered coupling sleeve with a tapered pipe, it would have been obvious to one having ordinary skill in the art at the time the invention was made to taper Cronk's pipe and ferrule to provide a tapered sealing engagement instead of a collinear one.

With respect claims 6 and 29, Cronk teaches employing two sealing ribs (21). The claims require that there is only one. It would have been an obvious matter of design choice to employ one rib instead of two, as it is apparent that there is no significant advantage of employing one rib instead of two, and it is clear that employing only one rib is more a matter of preference than substance.

With respect to claim 7, it would have been obvious to one having ordinary skill in the art to employ an adhesive in place of gasket (32).

With respect to claim 13, it would have been obvious to one having ordinary skill in the art to apply adhesive on the gasket and between the gasket and ferrule in order to provide additional securement between the gasket and ferrule.

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With respect to claims 22-24, the examiner takes official notice of the use of a catch and groove as an additional fastening means.

Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cronk (US 4,538,837) in view of Glover (US 4,711,473).

Cronk teaches all the limitations of claims 20-21 except that the inside of the skirt includes a sealing gasket affixed thereto for engaging the male endpiece. Cronk employs two sealing ribs (21) for this purpose. Glover teaches a similar pipe coupling apparatus wherein the coupling sleeve (4) includes a socket portion or skirt (6) having a gasket (8) disposed on the inside surface thereof. In view of Glover's teaching, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Cronk to include a gasket on the inner surface of his skirt portion in place of the ribs (21) as an alternative means to provide sealing to a male pipe to be engaged with the skirt.

Claims 38-39, 41-46, 52, 55 and 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glover (US 4,711,473).

Glover discloses a method of manufacturing a pipe comprising: a cylindrical pipe (1); and end ring (4) secure to the pipe and comprising a ferrule and a skirt portion that receives a second pipe (2); wherein the dimensions of the ring are smaller than the corresponding dimensions of the pipe, yet close enough to be capable of being increased by putting the ferrule under circumferential elastic tension, the ring being

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shrink-fit onto the end of the pipe (1); a continuous plastic sealing ring (7) is placed on the outer surface of the pipe and is flattened or compressed between the ferrule and pipe; a gasket (8) is secured to the inside face of the skirt portion of the end ring.

Glover does not teach that his pipe is concrete. Nevertheless, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select concrete as the material for Glover's pipe, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

With respect to claims 43-44, Glover fails to teach that the pipe and skirt are tapered or flared. In view of the known use of employing a tapered coupling sleeve with a tapered pipe, it would have been obvious to one having ordinary skill in the art at the time the invention was made to taper Glover's pipe and ferrule to provide a tapered sealing engagement instead of a collinear one.

With respect to claim 45, it would have been obvious to one having ordinary skill in the art to apply a lubricating adhesive between the ferrule and pipe in order to further secure the pipe and ferrule.

With respect to claim 58-59, the examiner takes official notice of the use of a catch and groove as an additional fastening means.

Claims 40, 47-51 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glover (US 4,711,473) in view of Cronk (US 4,538,837).

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Glover teaches all the limitations of claims 40, 47-51 and 56 except that his ferrule is banded or clamped, and that a sealing gasket is placed on the outside peripheral face of the pipe to extend over the front face of the pipe, wherein the gasket is placed in compression. It should first be noted that Glover does employ a sealing gasket (7) between his ferrule and the pipe. Cronk teaches a similar pipe coupling comprising a gasket (15) that is placed along the outer face of the pipe (25) and extends over the pipe's front face, wherein the gasket is disposed between a ferrule and the pipe, and is placed in compression by a band clamp placed about the ferrule. In view of Cronk's teaching, it would have been obvious to one having ordinary skill in the art to modify Glover to instead include a gasket that extends from the outer face of his pipe onto the front face, with the gasket being placed in compression by a clamp in order to provide a larger sealing area and enhanced and more reliable sealing.

With respect to claim 51, it would have been obvious to one having ordinary skill in the art to apply adhesive on the gasket and between the gasket and ferrule in order to provide additional securement between the gasket and ferrule.

Conclusion

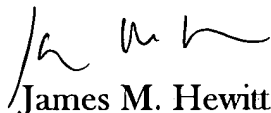
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the attached Notice of References cited.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hewitt whose telephone number is 703-305-0552. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-308-1159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



James M. Hewitt
Patent Examiner
Technology Center 3600